

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

Case No. MD-15-02641-PHX-DGC  
MDL No. 2641

This Document Relates to Plaintiff:

Case No. 2:18-cv-04834

Billy Stillwell,

Plaintiff,

v.

**Motion to Substitute Party Plaintiff**

C.R. Bard Inc., and Bard Peripheral Vascular,  
Inc.

Defendants.

---

**MOTION TO SUBSTITUTE PARTY PLAINTIFF**

COMES NOW, Plaintiff Billy Stillwell and files this motion to substitute his surviving next of kin, Pauline Stillwell, as the proper plaintiff pursuant to Federal Rule of Civil Procedure 25(a)(1). In support therefore, Plaintiff respectfully shows the court the following:

1. Plaintiff Billy Stillwell filed the present action in the United States District Court of the District of Arizona on December 20, 2018.
2. Plaintiff Billy Stillwell died on May 5, 2019.
3. On March 23, 2020, Plaintiff filed a suggestion of death pursuant to Federal Rule of Civil Procedure 25(a). *See* Doc. No. 21474. Plaintiff's counsel recently learned the death of Mr. Stillwell after filing the lawsuit and after submitting a Plaintiff Profile Form in connection with this case.
4. Pauline Stillwell, wife of Billy Stillwell, is the surviving next of kin and the proper party plaintiff to substitute for Plaintiff-decedent Billy Stillwell and has proper capacity to proceed forward with the surviving products liability lawsuit on Plaintiff-decedent's behalf, pursuant to Fed. R. Civ. P. 25(a)(a), stating, "[i]f a party dies and the claim is

not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative."

WHEREFORE, counsel for Plaintiff requests this Court grant this request to substitute Pauline Stillwell as the proper party plaintiff in this action.

Respectfully submitted this 23<sup>rd</sup> day of March, 2020.

/s/ David M. Langevin  
David M. Langevin, #329563  
Rhett A. McSweeney, #269542  
McSweeney/Langevin  
2116 Second Avenue South  
Minneapolis, MN 55404  
Phone: (612) 542-4646  
Fax: (612) 454-2678  
dave@westrikeback.com  
ram@westrikeback.com  
**Attorneys for Plaintiff**

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the attached document was served upon each attorney of record through the Court's Electronic Court Filing System.

Dated: March 23, 2020

/s/ David M. Langevin  
David M. Langevin